

**APPLICABILITY OF THE SOLID WASTE INCINERATION RULE**  
**— *Some Suggestions From Rick Crume for Work Group Discussion* —**

A suggested approach for defining the applicability of the solid waste incineration (i.e., ICWI/OSWI) rule is summarized in the attached table. Using this approach, the applicability and definitions section of the solid waste incineration rule for new sources might look something like the following (using *EPA's new Plain English* guidelines):

**Subpart [?] -- Standards of Performance for Solid Waste Incineration Units for Which Construction is Commenced After [date]**

**Section [?] Am I subject to this regulation?**

(a) Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each individual Solid Waste Incineration Unit for which construction or reconstruction is commenced after [date] or for which modification is commenced after [date].

(b) The following facilities are not subject to this subpart:

(1) Any incinerator or other unit required to have a permit under section 3005 of the Solid Waste Disposal Act.

(2) Any materials recovery facility (including primary or secondary smelters) which combusts waste for the primary purpose of recovering metals.

(3) Any qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or, in the case of qualifying cogeneration facilities, which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.

(4) Any air curtain incinerator that burns only wood wastes, yard wastes, and clean lumber and that complies with the opacity limitations in subpart [?].

(5) Any incinerator or other unit which meets the applicability requirements under subpart Cb, Ce, Ea, Eb, or Ec of this part (i.e., standards or guidelines for certain municipal waste and hospital and medical infectious waste incinerators).

## **Sec. xxx How are the terms used in this subpart defined?**

[The following definitions are provided to illustrate the format and applicability of the regulation. Most, if not all, of these definitions will be revised as data analysis continues. Additionally, some definitions may be deleted and new definitions may be added as subcategories are fully defined.]

Agricultural Incinerator means an Incinerator combusting Solid Waste comprised, in aggregate, of more than [number] percent by weight, as measured on a calendar quarter basis, of vegetable matter from facilities such as agricultural research facilities, farms, stables, oil seed plants, grain handlers, biomass facilities, and nurseries.

Air Curtain Incinerator an Incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs; Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering and exporting thermal energy in the form of steam or hot water.

Chemical, Petroleum, and Pharmaceutical Solid Waste Incinerator means an Incinerator combusting Solid Waste comprised, in aggregate, of more than [number] percent by weight, as measured on a calendar quarter basis, of industrial wastewater sludges, off-test and out-dated materials, and process discards, and associated packaging materials.

Commercial and Industrial Solid Waste Incineration Units means the following types of Solid Waste Incineration Units: Chemical, Petroleum, and Pharmaceutical Solid Waste Incinerators; Drum Reclaimer Incinerators; and Miscellaneous Solid Waste Boilers, Miscellaneous Solid Waste Incinerators; Parts Reclaimer Incinerators; and [Type] Boilers

Construction, Demolition, and Treated Wood Waste Incinerator means an Incinerator combusting Solid Waste comprised, in aggregate, of more than [number] percent by weight, as measured on a calendar quarter basis, of materials associated with the construction, remodeling, and repairing of residences, commercial buildings, and other structures, for example, pallets; paper; cardboard; shingles; tar-based products; plastics; plaster; wallboard; insulation materials; white goods; reinforcing steel; plumbing, heating, and electrical parts; and forming, framing, painted, treated, and contaminated lumber.

Drum Reclaimer Incinerator means an incinerator used to reclaim or recycle steel containers (often 55 gallon drums) by burning out the drum coating and any container residues.

Incinerator means a device that combusts Solid Waste and is not a Boiler or Process Heater.

Miscellaneous Solid Waste Boiler means any Solid Waste Incineration Unit that is a Boiler and is not covered by the other types of Commercial and Industrial Solid Waste Incineration Units and Other Solid Waste Incineration Units defined under this subpart and is not exempted from coverage under paragraph (b) of this subpart.

Miscellaneous Solid Waste Incinerator means any Solid Waste Incineration Unit that is an Incinerator and is not subject to the other types of Commercial and Industrial Solid Waste Incineration Units and Other Solid Waste Incineration Units defined under this subpart and is not exempted from coverage under paragraph (b) of this subpart. [Note: separate definitions will probably be needed for ICWI vs. OSWI miscellaneous solid waste incinerators.]

Other Solid Waste Incineration Units means the following types of Solid Waste Incineration Units: Agricultural Incinerators; Construction, Demolition, and Treated Wood Waste Incinerators; Paper and Allied Product Wastes and Residues Incinerators; Pathological Incinerators; and [type] Boilers.

Paper and Allied Product Wastes and Residues Incinerator means an Incinerator combusting Solid Waste comprised, in aggregate, of more than [number] percent by weight, as measured on a calendar quarter basis, of wastes and residues resulting from the manufacture of paper, the conversion of paper and paperboard, and the manufacture of paperboard boxes and containers.

Parts Reclaimer Incinerator means an Incinerator used to reclaim metal parts such as paint hooks and racks, electric motor armatures, transformer winding cores, and electroplating racks by burning off an organic, plastic, or rubber coating or part.

Pathological Incinerator means an Incinerator combusting Solid Waste comprised, in aggregate, of more than [number] percent by weight, as measured on a calendar quarter basis, of human and animal remains, anatomical parts, tissues, bags and containers used to collect and transport the waste material, and animal bedding.

Process Heater means an enclosed device using controlled flame having the primary purpose of transferring heat to an industrial or commercial process.

Solid Waste means ... [definition to be established by EPA].

Solid Waste Incineration Unit means a distinct operating unit of any facility which combusts any Solid Waste material from commercial or industrial establishments or the general public. [Note that this definition from section 129(g)(1) appears to apply to boilers and process heaters as well as incinerators.]

[Type] Boiler means ...

WASTE DESCRIPTION	RULE APPLICABILITY				COMM
	MUNICIPAL WASTE COMBUSTOR (MWC) RULE	HOSPITAL AND MEDICAL INFECTIOUS WASTE INCINERATION (HMIWI) RULE	FUTURE RULE ADDRESSING SOLID WASTE INCINERATION UNITS, INCLUDING SOLID WASTE BOILERS		
			Source-Specific Categories	Misc. Categories	
<u>Municipal solid waste (MSW)</u>	Rule applies to units combusting > 30 percent MSW	N/A	N/A	Greater than some percent and ≤ 30 percent MSW	Applies to the combustion of re institutional solid wastes and n c discards.
<u>Hospital and medical infectious waste (HMIW)</u>	N/A	Rule applies to units combusting > 10 percent HMIW	N/A	Greater than some percent and ≤ 10 percent HMIW	Applies to the combustion of: ( hospital, except unused items re and human corpses, remains, ar for interment or cremation; and diagnosis, treatment, or immun animals, in research pertaining or testing of biologicals. Exem low-level radioactive, and chern units; and cement kilns firing ho infectious waste.

WASTE DESCRIPTION	RULE APPLICABILITY				COMMENTS
<u>Exempt from Section 129</u>	N/A	N/A	N/A	N/A	<p>(1) Any incinerator or other unit under section 3005 of the Solid Waste Management Act.</p> <p>(2) Any materials recovery facility (secondary smelters) which come under the purpose of recovering metals.</p> <p>(3) Any qualifying small power plant in section 3(17)(C) of the Federal Energy Regulatory Commission, or qualifying cogeneration facility in section 3(18)(B) of the Federal Energy Regulatory Commission, which burns household waste, which burn tires or used oil, but not fuel for the production of electricity, or qualifying cogeneration facility which waste for the production of electricity of useful energy (such as heat) for commercial, heating, or cooling purposes.</p> <p>(4) Any air curtain incinerator treating yard wastes, and clean lumber and wood products, subject to the capacity limitations in subpart [?]</p>
<u>Commercial and industrial solid wastes</u>	N/A	N/A	Greater than some percentage to be determined on a source category basis	Less than some percentage, plus all other solid wastes not otherwise covered	Applies to all other solid wastes not covered by the MWC rule, including but not limited to: wastes not covered by the MWC rule, including but not limited to: combustion units at industrial sites, type wastes (i.e., non-manufactured garbage, waste paper, and cardboard), and MWC rule.

N/A = not applicable.